

### **REMARKS**

The above Amendment and the following remarks are responsive to prior art rejections in the final Office Action dated June 16, 2006. The Applicant requests entry of this Amendment, favorable reconsideration of this case, and early issuance of a Notice of Allowance.

#### **Status of the Claims**

Upon entry of this Amendment, the Applicant has rewritten claims 1-6. Thus, claims 1-7 are pending in the application. Claims 1, 3, 5 and 6 are independent claims.

#### **Examiner Interview**

The Applicant wishes to thank the Examiner, the Examiner's replacement, Farzana Hossain, and the Examiner's supervisor, Chris Grant, for conducting an Examiner Interview on July 13, 2006. During the Examiner Interview, we discussed claim 1 and the Haberman et al. prior art reference. The Examiner, the Examiner's replacement, and the Examiner's supervisor agreed that the proposed amendment to claim 1 "does not overcome the current prior art rejection". The Applicant has further amended claim 1 to differentiate over the current prior art, including Haberman et al., and respectfully requests reconsideration of the claimed invention.

#### **Presently Claimed Invention Overcomes the Current Prior Art**

Independent claims 1, 3, 5 and 6, as presently claimed, recite a method for presenting an interactive digital video work based upon the viewer's selected alternative decision at each branching point. As presently claimed, the method presents a scene sequence that corresponds to the selected alternative decision, tracks the viewer's cumulative selected decisions, and imputes that viewer's preferences and interests based on the viewer's selected decisions to produce and present a set of variation scenes that correspond to the viewer's imputed preferences and interests.

The Examiner rejected independent claim 1 based on Haberman et al., U.S. Patent Application Publication Number 2002/0013943 (hereinafter "Haberman") in view of Zigmond, U.S. Patent Number 6,698,020 (hereinafter "Zigmond"). Haberman discloses a method for simultaneous creation, assembly and transmission of synchronous multiple personalized messages to specific targeted individuals. The personalized message is created by segmenting a message into multiple slots, and providing different selectable segments for each slot. The multiple segments are simultaneously broadcasted to a receiver device that assembles the message in just-in-time fashion for viewing by the individual. Haberman, however, does not disclose imputing a viewer's preferences and interests based on the viewer's selected decisions from a set of alternative decisions presented to the viewer at branching points and presenting a scene sequence after the branching point that corresponds to the selected alternative decision. Zigmond discloses a method for inserting advertising or other video into video programming feeds at the household level. Zigmond discloses that identifying characteristics of a viewer may be used to select particular ads for display. Zigmond, however, does not make up for the shortcomings of Haberman. Thus, the Applicant believes that the Examiner should withdraw the rejection of claim 1 based on Haberman and Zigmond. Since claim 2 depends from allowable claim 1, the Applicant also believes the Examiner should withdraw the rejection of claim 2 based on Haberman and Zigmond.

The Examiner rejected independent claim 3 based on Haberman in view of Shiels et al., U.S. Patent Number 5,737,527 (hereinafter "Shiels"). For the reasons stated above, Haberman, does not disclose imputing a viewer's preferences and interests based on the viewer's selected decisions from a set of alternative decisions presented to the viewer at branching points and presenting a scene sequence that corresponds to the selected alternative decision. Shiels

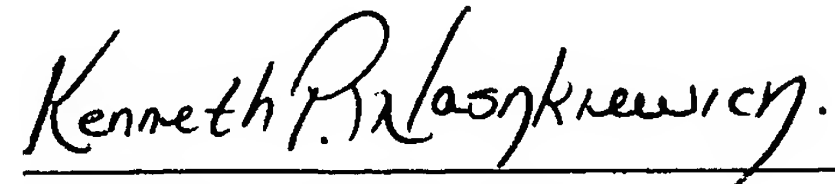
discloses a method for presenting a branched narrative that includes branching node points where the viewer decides between alternative narrative paths and combining nodes where paths recombine. Although differing narrative paths may be chosen in Shiels, the order in which story segments are presented to a viewer along any given pathway is not varied by the viewer's choice. Thus, Shiels does not make up for the shortcomings of Haberman. Thus, the Applicant believes that the Examiner should withdraw the rejection of claim 1 based on Haberman and Shiels. Since claim 4 depends from allowable claim 3, the Applicant also believes the Examiner should withdraw the rejection of claim 4 based on Haberman and Shiels.

The Examiner rejected independent claims 5 and 6 based on Green et al., U.S. Patent Number 6,041,310 (hereinafter "Green"). Green discloses a method and system for facilitating a transaction between a customer and an automobile dealership. The method issues a query that searches a storage device containing automobile data and images to return a selected inventory to an input/output device. Green, however, does not disclose imputing a viewer's preferences and interests based on the viewer's selected decisions from a set of alternative decisions presented to the viewer at branching points and presenting a scene sequence after the branching point that corresponds to the selected alternative decision. Thus, the Applicant believes that the Examiner should withdraw the rejection of claims 5 and 6 based on Green. Since claim 7 depends from allowable claim 6, the Applicant also believes the Examiner should withdraw the rejection of claim 7 based on Green.

**AUTHORIZATION**

The undersigned hereby authorizes the Commissioner to charge all required fees, fees under 37 C.F.R. §§ 1.16 and 1.17, or all required extension of time fees for this paper to Deposit Account Number 50-0573.

Respectfully submitted,  
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Dated: September 18, 2006